

Message

From: Perreault, Peg [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D620B9D368A44C8A153680F6C69196C-PERREULT, PEG]
Sent: 2/20/2019 4:54:01 PM
To: Scott - CDA, John [johnw.scott@state.co.us]
Subject: RE: Loss of Primacy - Question

Another thing – as you know, EPA does not have the staff to do adequate FIFRA enforcement in CO, we barely do enough in WY. We wouldn't get additional staff either if CO lost primacy. So, the end result would be inadequate pesticide enforcement. Think - more pesticide exposures, effects on endangered species, tolerance violations, loss of organic certifications due to drift, etc.....

From: Scott - CDA, John <johnw.scott@state.co.us>
Sent: Wednesday, February 20, 2019 9:33 AM
To: Perreault, Peg <Perreault.Peg@epa.gov>
Subject: Re: Loss of Primacy - Question

So Wyoming reaps the benefits of pesticide registration fees, but has none of the cost of enforcing pesticide use. That actually makes the argument harder for me. Is there any information on problems this causes on a lack of pesticide use enforcement?

John W. Scott
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On Wed, Feb 20, 2019 at 9:20 AM Perreault, Peg <Perreault.Peg@epa.gov> wrote:

Hi John –

State pesticide registration is separate from pesticide enforcement and C&T. EPA delegates enforcement & C&T programs to the states but not registration. States have their own pesticide registration programs, covered under their own laws. Registrants must first get a federal registration from EPA, then work with each state that they want to sell the product in to get state registrations. So...loss of primacy for enforcement & C&T would not affect CDA's pesticide registration program. CDA would also still have state enforcement authority to enforce state laws.

Example – WY doesn't have enforcement primacy, but they do have a state registration program.

Hope that helps. Glad to hear you're meeting with the new Commissioner – that's a step in the right direction!

-Peg

From: Scott - CDA, John <johnw.scott@state.co.us>
Sent: Wednesday, February 20, 2019 8:31 AM
To: Perreault, Peg <Perreault.Peg@epa.gov>
Subject: Loss of Primacy - Question

Hi Peg,

Hey...I have a meeting with the Commissioner at 10 am this morning. I can't find in FIFRA where if the state loses primacy, that we also lost the ability to register pesticides. Section 24 is the only section that I see that addresses authority of states to regulate the sale and use and it doesn't appear to tie it to primacy over use. Can you help with this if there is a provision that effects distribution and registration by the state? Thanks!

John W. Scott

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